

WEDNESDAY, FEBRUARY 28, 1996

SIXTY-SEVENTH LEGISLATIVE DAY

The House met at 2:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative Curtiss.

Representative Curtiss led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 98

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Cross; illness.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 1405: Rep(s). Jones, S. as prime sponsor(s).

House Bill No. 2052: Rep(s). Jones, S., Kent, Hargrove, Brown and Cole(Carter) as prime sponsor(s).

House Bill No. 2310: Rep(s). McMillan as prime sponsor(s).

House Bill No. 2312: Rep(s). McMillan as prime sponsor(s).

House Bill No. 2568: Rep(s). West, Kisber, Phillips, Boyer, Ridgeway, Winningham, Fitzhugh, Pinion and Cantrell as prime sponsor(s).

House Bill No. 2761: Rep(s). West, Pruitt and Bell as prime sponsor(s).

House Bill No. 2851: Rep(s). McMillan as prime sponsor(s).

House Bill No. 2853: Rep(s). McMillan as prime sponsor(s).

House Bill No. 2871: Rep(s). West as prime sponsor(s).

House Bill No. 2925: Rep(s). Pruitt and McMillan as prime sponsor(s).

House Bill No. 2974: Rep(s). Langster as prime sponsor(s).

House Bill No. 3100: Rep(s). Langster as prime sponsor(s).

REQUEST TO BE ADDED AS SPONSOR

The following member(s) requested to add their name(s) as sponsor(s) as indicated below, the prime sponsor having agreed to such addition. Sponsorship was not granted since request was made after passage/adoption of said bill/resolution:

House Bill No. 1684: Rep(s). Robinson.

MESSAGE FROM THE SENATE February 27, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2123, 2195, 2443, 2479, 2502, 2562, 2565, 2583, 2612, 2633, 2774, 2926, 2958, 2977 and 3044; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 2123 --** Municipal Government - Establishes more flexible method for changes in size of municipal board of mayor and aldermen; establishes city court's jurisdiction over criminal cases. Amends TCA Title 6, Chapters 1 through 22. by *Womack.

***Senate Bill No. 2195 --** Motor Vehicles, Titling and Registration - Provides that retired members of armed forces participating in voluntary early retirement eligible for special license plates for retired members of military. Amends TCA Title 55, Chapter 4, Part 2. by *Crowe.

Senate Bill No. 2443 -- Corporations - Allows parent corporation owning at least 90 percent of voting shares to merge with subsidiary entities without shareholder approval. Amends TCA Title 48, Chapters 18 and 21. by *Cohen.

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Senate Bill No. 2479 -- Health - Requires facilities which offer specialized care and treatment of persons with Alzheimer's disease to disclose form of care and treatment provided for such persons. Amends TCA Title 68, Chapter 11. by *Crutchfield, *Cohen, *Harper.

***Senate Bill No. 2502** -- Congressional Districts - Revises composition of districts 2 and 3. Amends TCA Title 2, Chapter 16. by *Miller J.

***Senate Bill No. 2562** -- Treasurer, State - Revises provisions relative to collateral pool for public deposits. Amends TCA Title 9, Chapter 4. by *Womack, *Henry.

***Senate Bill No. 2565** -- Unclaimed Property - Revises requirements for presuming certain types of personal property unclaimed or abandoned. Amends TCA Title 66, Chapter 29, Part 1. by *Womack.

Senate Bill No. 2583 -- Pensions and Retirement Benefits - Authorizes purchaser of certain retirement credits in TCRS through monthly installments. Amends TCA Title 8, Chapter 37, Part 2. by *Atchley.

***Senate Bill No. 2612** -- Sentencing - Adds offense of resisting or evading arrest to list of multiple convictions for which court may order sentences to be served consecutively. Amends TCA Section 40-35-115. by *Rice.

Senate Bill No. 2633 -- Sentencing - Makes payment of restitution to victim part of punishment for all criminal offenses; establishes sentencing alternative of payment of restitution. Amends TCA Title 39, Chapter 11, Part 1 and Title 40, Chapter 35. by *Haynes.

***Senate Bill No. 2774** -- Highway Signs - "Harold Griggs Highway," S. R. 22, Henderson County from I-40 to Lexington. by *Springer.

Senate Bill No. 2926 -- Highway Signs - "John C. Jones Parkway," U.S. 45E Bypass, South Fulton. by *Hamilton.

***Senate Bill No. 2958** -- Highway Signs - Directs department of transportation to include Oakdale on existing signs at Airport Road/S.R. 299 exit on I-40. by *O'Brien.

***Senate Bill No. 2977** -- State Government - Enacts "Block Grant Review Act of 1996.", by *Henry, *Dixon.

***Senate Bill No. 3044** -- Highway Signs - "A. J. Stalcup Highway", segment of S. R. 67 in Johnson County. by *Crowe.

**MESSAGE FROM THE GOVERNOR
February 27, 1996**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2349 and 2351; also, House Joint Resolution(s) No(s). 430, 432, 433 and 442; with his approval.

HARDY MAYS, Counsel to the Governor.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

House Resolution No. 180 -- General Assembly, Statement of Intent or Position - Urges participation in Bicentennial and Statehood Day, June 1, 1996. by *Dunn.

State & Local Government Committee

House Joint Resolution No. 447 -- Memorials, Government Officials - Directs state government to allocate sufficient funding to provide appropriate supports within home and community-based services system for persons with mental retardation. by *Bragg.

Health & Human Resources Committee

House Joint Resolution No. 448 -- General Assembly, Studies - Creates special joint committee to study community mental health agencies. by *Fitzhugh, *Rinks, *White, *Kent, *Cole (Dyer), *Kisber, *Ridgeway, *Phelan, *Cole (Carter), *Herron.

Health & Human Resources Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for February 29, 1996:

House Resolution No. 181 -- Memorials, Retirement - Dr. Gus Middleton, Director, Jackson-Madison County Hospital pathology lab. by *Kisber.

House Resolution No. 182 -- Memorials, Professional Achievement - Suzanne J. Shinn, 1997 Teacher of the Year. by *Dunn.

House Resolution No. 183 -- Memorials, Death - Mrs. Jewell L. "Judy" Peel. by *Cole (Dyer).

House Joint Resolution No. 450 -- Memorials, Personal Occasion - Christine and Joseph Wilce, 50th wedding anniversary. by *Rigsby.

House Joint Resolution No. 452 -- Memorials, Professional Achievement - Dr. Jerry Sutton. by *Purcell, *West, *Garrett.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 2123** -- Municipal Government - Establishes more flexible method for changes in size of municipal board of mayor and aldermen; establishes city court's jurisdiction over criminal cases. Amends TCA Title 6, Chapters 1 through 22. by *Womack.

***Senate Bill No. 2195** -- Motor Vehicles, Titling and Registration - Provides that retired members of armed forces participating in voluntary early retirement eligible for special license plates for retired members of military. Amends TCA Title 55, Chapter 4, Part 2. by *Crowe.

Senate Bill No. 2443 -- Corporations - Allows parent corporation owning at least 90 percent of voting shares to merge with subsidiary entities without shareholder approval. Amends TCA Title 48, Chapters 18 and 21. by *Cohen.

Senate Bill No. 2479 -- Health - Requires facilities which offer specialized care and treatment of persons with Alzheimer's disease to disclose form of care and treatment provided for such persons. Amends TCA Title 68, Chapter 11. by *Crutchfield, *Cohen, *Harper.

***Senate Bill No. 2502** -- Congressional Districts - Revises composition of districts 2 and 3. Amends TCA Title 2, Chapter 16. by *Miller J.

***Senate Bill No. 2562** -- Treasurer, State - Revises provisions relative to collateral pool for public deposits. Amends TCA Title 9, Chapter 4. by *Womack, *Henry.

***Senate Bill No. 2565** -- Unclaimed Property - Revises requirements for presuming certain types of personal property unclaimed or abandoned. Amends TCA Title 66, Chapter 29, Part 1. by *Womack.

Senate Bill No. 2583 -- Pensions and Retirement Benefits - Authorizes purchaser of certain retirement credits in TCRS through monthly installments. Amends TCA Title 8, Chapter 37, Part 2. by *Atchley.

***Senate Bill No. 2612** -- Sentencing - Adds offense of resisting or evading arrest to list of multiple convictions for which court may order sentences to be served consecutively. Amends TCA Section 40-35-115. by *Rice.

Senate Bill No. 2633 -- Sentencing - Makes payment of restitution to victim part of punishment for all criminal offenses; establishes sentencing alternative of payment of restitution. Amends TCA Title 39, Chapter 11, Part 1 and Title 40, Chapter 35. by *Haynes.

***Senate Bill No. 2774** -- Highway Signs - "Harold Griggs Highway," S. R. 22, Henderson County from I-40 to Lexington. by *Springer.

Senate Bill No. 2926 -- Highway Signs - "John C. Jones Parkway," U.S. 45E Bypass, South Fulton. by *Hamilton.

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***Senate Bill No. 2958** -- Highway Signs - Directs department of transportation to include Oakdale on existing signs at Airport Road/S.R. 299 exit on I-40. by *O'Brien.

***Senate Bill No. 2977** -- State Government - Enacts "Block Grant Review Act of 1996.". by *Henry, *Dixon.

***Senate Bill No. 3044** -- Highway Signs - "A. J. Stalcup Highway", segment of S. R. 67 in Johnson County. by *Crowe.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 3250 -- Bradley County -- Local Bill Held on House Desk

House Bill No. 3251 -- Marshall County -- Local Bill Held on House Desk

House Bill No. 3252 -- Alcoa -- Local Bill Held on House Desk

REPORTS FROM STANDING COMMITTEES

The committees that met on **February 27, 1996**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **February 29, 1996**: House Bill(s) No(s). 2761, 2917, 2916 and 2767.

The Committee set the following bills on the **Regular Calendar** for **March 4, 1996**: House Bill(s) No(s). 2316, 2104, 2331, 2027, 3100, 2450, 2807, 549 and 1990.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **March 4, 1996**: House Bill(s) No(s). 2037, 2788, 2197, 1972, 1974, 2699, 2169, 2411, 2887, 2384 and House Joint Resolution(s) No(s). 407 and 398.

The Committee further reported that House Bill No. 1794 be re-referred to the House Finance, Ways & Means Committee.

AGRICULTURE

The Agriculture Committee recommended for passage: House Bill(s) No(s). 3052 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

COMMERCE

The Commerce Committee recommends for passage: House Bill(s) No(s). 2562, 2554, 2333, 2810, and 2019; also House Bill(s) No(s). 2623 and 2839 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2647 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

CONSUMER AND EMPLOYEE AFFAIRS

The Consumer and Employee Affairs Committee recommended for passage: House Bill(s) No(s). 2849. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

EDUCATION

The Education Committee recommended for passage: House Bill(s) No(s). 2048, 2825, 2972, and 2356 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2794; also House Bill(s) No(s). 2430 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 2800, 2918, 2568 and 1965; also House Bill(s) No(s). 3155 and 2733 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

GOVERNMENT OPERATIONS

The Government Operations Committee recommended that House Bill(s) No(s). 2834 and 2846 and House Bill(s) No(s). 3034 and 3035 with amendments be referred to the House Health & Human Resources Committee.

HEALTH AND HUMAN RESOURCES

The Health and Human Resources Committee recommended for passage: House Bill(s) No(s). 2415, 2595, 2698 and House Joint Resolution(s) No(s). 420. Under the rules, each was transmitted to the Calendar and Rules Committee.

STATE AND LOCAL GOVERNMENT

The State and Local Government Committee recommended for passage: House Bill(s) No(s). 2397, 2448, 1975, 2689, 3115, 2552, 2525, 2520; also House Bill(s) No(s). 2974 and 1998 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2481 and 2010 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

REPORTS FROM STANDING COMMITTEES

The committees that met on **February 28, 1996**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar for March 4, 1996**: House Bill(s) No(s). 3175, 2677, 3081, 2382, 3079, 2093, 2871, 3108, 3049, 2200 and 2168.

The Committee set the following bills on the **Regular Calendar for March 6, 1996**: House Bill(s) No(s). 2024 and 2673.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar for March 4, 1996**: House Bill(s) No(s). 2071, 2165, 2407, 2780, 3170, 3223, 2889, 2973 and House Joint Resolution(s) No(s). 389 and 390.

CONSERVATION AND ENVIRONMENT

The Conservation and Environment Committee recommended for passage: House Bill(s) No(s). 2440. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 3060 and 2980; also House Bill(s) No(s). 2818 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

JUDICIARY

The Judiciary Committee recommended for passage: House Bill(s) No(s). 2798, 2867, 3237 and 3157; also House Bill(s) No(s). 2328, 2017, 2953, 1982, 3203 and 1977 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

TRANSPORTATION

The Transportation Committee recommended for passage: House Bill(s) No(s). 2292, 2708, 1963, 2662; also House Bill(s) No(s). 2942, 2187, 3134, 2193, 2352 and 2675 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2103 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

CONSENT CALENDAR

House Resolution No. 179 -- Memorials, Academic Achievement - Carrie Rebecca Painter, All American Scholar's award recipient. by *Williams (Union).

House Joint Resolution No. 445 -- Memorials, Personal Achievement - Mrs. Andrew Jackson Powell, one hundredth birthday. by *West.

House Joint Resolution No. 446 -- Memorials, Death - E. G. Bryant. by *Davis.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	98
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

REGULAR CALENDAR

***Senate Bill No. 2040** -- Loan Companies - Increases by \$.75 maintenance fees on loans made by industrial loan and thrift companies. Amends TCA Section 45-5-403. by *Rochelle, *Miller J. (HB2009 by *Rhinehart, *Gunnels, *Cole (Carter), *Givens)

Further consideration of Senate Bill No. 2040, previously considered on February 12, 1996, at which time the House Bill was substituted for the Senate Bill, failed to receive a constitutional majority, and was re-referred to the Committee on Calendar and Rules, and reset to today's Calendar.

Rep. Rhinehart moved that Senate Bill No(s). 2040 be reset to the Regular Calendar for March 13, 1996, which motion prevailed.

***House Bill No. 2052** -- Victims Rights - Permits court issuing order of protection to prohibit person from committing domestic abuse against minor children born to parties as well as against adult petitioning for such order. Amends TCA Title 36, Chapter 3, Part 6. by *McMillan, *Ritchie, *Chumney, *Eckles, *Langster, *Robinson, *Williams (Williamson), *Turner (Hamilton), *Stamps, *Jones, S., *Hargrove, *Kent, *Cole (Carter), *Brown. (SB2177 by *Kyle, *Rice)

Rep. McMillan moved that House Bill No. 2052 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2052 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 36-3-601, is amended by adding the following new subpart (D) to subsection (3):

(D) "Court" shall also include judicial commissioners, magistrates and other officials with the authority to issue an arrest warrant in the absence of a judge for purposes of issuing ex parte orders of protection when a judge of one of the courts listed in subparts (A), (B) or (C) of this subsection is not available;

SECTION 2. Tennessee Code Annotated, Section 36-3-606, is amended by deleting subsection (a)(1) and substituting instead the following:

(1) Directing the respondent to refrain from committing abuse or threatening to commit abuse against the petitioner or the petitioner's minor children;

SECTION 3. Tennessee Code Annotated, Section 36-3-619, is amended by deleting the last sentence of subsection (b) and substituting instead the following:

(b) If the officer believes that all parties are equally responsible, the officer shall exercise his or her best judgment in determining whether to arrest all, any or none of the parties.

SECTION 4. Tennessee Code Annotated, Section 36-3-619, is further amended by adding the following new appropriately numbered item to subsection (g):

() Offer to transport the victim to the location where arrest warrants are issued in that city or county and assist the victim in obtaining an arrest warrant against the alleged abuser.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Turner(Hamilton) moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2052 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section ___. Tennessee Code Annotated, Section 36-3-604(b), is amended by deleting subdivision (2) and renumbering the subsequent subdivisions accordingly.

On motion, Amendment No. 2 was adopted.

Rep. McMillan moved that **House Bill No. 2052**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 2427 -- County Officers - Prescribes qualifications for election and regulation of constables Amends TCA Title 8, Chapter 10. by *Ford S, *Sharp, *Roach, *Davis, *Williams (Union), *Patton, *Peach, *Winningham, *Newton, *Westmoreland, *McDaniel, *Kent, *Cole (Carter), *Fitzhugh, *Ramsey. (*SB2221 by *Haun)

Further consideration of House Bill No. 2427 previously considered on February 26, 1996, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

Rep. Ford moved that House Bill No. 2427 be passed on third and final consideration.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

Rep. Windle moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2427 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

not less than

14,650

nor more than

15,000

On motion, Amendment No. 1 was adopted.

Rep. McKee moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2427 by adding the following language as a new subsection to Section 2 of the printed bill:

c) The provisions of this section shall not apply in any county which has removed from constables any law enforcement powers.

AND FURTHER AMEND by adding the following as a new subsection to Section 3 of the printed bill:

(f) The provisions of this section shall not apply in any county which has removed from constables any law enforcement powers.

On motion, Amendment No. 2 was adopted.

Rep. Ford moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 2427 by deleting from the third sentence of Section 3(a) the punctuation and language," and approved by the Commissioner of Safety" and substituting instead a period "." after the word "director".

On motion, Amendment No. 3 was adopted.

Rep. Ford moved that **House Bill No. 2427**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	97
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 2426** -- Aircraft and Airports - Authorizes airport authorities to be composed of five to 11 members rather than five members. Amends TCA Title 42, Chapter 3. by *McDonald, *Stamps. (SB2837 by *Wright)

Further consideration of House Bill No. 2426 previously considered on February 26, 1996, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

On motion, House Bill No. 2426 was made to conform with **Senate Bill No. 2837**; the Senate Bill was substituted for the House Bill.

Rep. McDonald moved that Senate Bill No. 2837, be passed on third and final consideration.

Rep. West moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 2837 by adding the following as a new section to precede the effective date section:

SECTION _____. Tennessee Code Annotated, Section 42-3-103, is amended by adding a new subsection thereto, as follows:

() The provisions of this section shall not apply to any county having a metropolitan form of government and having a population of more than one hundred thousand (100,000).

On motion, Amendment No. 1 was adopted.

Rep. McDonald moved that **Senate Bill No. 2837**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	97
Noes	0
Present and not voting.....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

Representatives present and not voting were: Ritchie -- 1.

A motion to reconsider was tabled.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

House Bill No. 2436 -- Motor Vehicles, Titling and Registration - Establishes perfection of liens on motor vehicles from time of delivery of title information, rather than time of notation; makes other changes relative to responsibilities of county clerks in titling and registration. Amends TCA Title 55. by *Odom. (*SB2460 by *McNally, *Wallace)

Further consideration of House Bill No. 2436 previously considered on February 26, 1996, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

Rep. Odom moved that **House Bill No. 2436** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

BILLS WITHDRAWN

On motion of Rep. Patton, **House Bill No. 605** was recalled from the Judiciary Committee and withdrawn from the House.

On motion of Rep. Rhinehart, **House Bill No. 1585** was recalled from the Judiciary Committee and withdrawn from the House.

On motion of Rep. Jones, R. (Shelby), **House Bill No. 2956** was recalled from the State & Local Government Committee and withdrawn from the House.

ANNOUNCEMENTS

REPORT FILED

The Clerk announced that the Study Committee created pursuant to House Joint Resolution No. 108 to study the problems associated with the preservation of the wetlands in West Tennessee has filed its report with the Clerk's office.

The Clerk also announced that the Tennessee Advisory Commission on Intergovernmental Relations has filed a report on the Usefulness of Selected Anti-Poverty and Community Development Programs with the Clerk's office and has been spread on the member's desks.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 407: Rep(s). Winningham as prime sponsor(s).

House Bill No. 765: Rep(s). West as prime sponsor(s).

House Bill No. 1974: Rep(s). West as prime sponsor(s).

House Bill No. 2008: Rep(s). Jones, S. and Pruitt as prime sponsor(s).

House Bill No. 2267: Rep(s). Byrd and Boyer as prime sponsor(s).

House Bill No. 2342: Rep(s). DeBerry, J. as prime sponsor(s).

House Bill No. 2521: Rep(s). Langster as prime sponsor(s).

House Bill No. 2539: Rep(s). Stamps as prime sponsor(s).

House Bill No. 2761: Rep(s). West, Pruitt and Bell as prime sponsor(s).

House Bill No. 2767: Rep(s). Pruitt and Bell as prime sponsor(s).

House Bill No. 2788: Rep(s). West as prime sponsor(s).

House Bill No. 2976: Rep(s). Bowers as prime sponsor(s).

House Bill No. 3079: Rep(s). West as prime sponsor(s).

House Bill No. 3216: Rep(s). Lewis as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). Jones, R. (Shelby) was/were removed as sponsor(s) of **House Bill No. 2972**.

On motion, Rep(s). Patton was/were removed as sponsor(s) of **House Bill No. 3216**.

ENROLLED BILLS

February 28, 1996

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bills(s) No(s). 2660.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

February 28, 1996

The Speaker signed the following: House Bill(s) No(s). 2660.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

February 28, 1996

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2052, 2427 and 2436; also, House Joint Resolution(s) No(s). 445 and 446.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

February 28, 1996

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2060; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Bill No. 2060 -- Bond Issues - Authorizes issuance and sale of general obligation bonds not to exceed \$55 million for Nashville Davidson County construction of sports stadium. by *Rochelle, *Crowe, *McNally, *Hamilton, *Carter, *Person.

SIGNED

February 27, 1996

The Speaker signed the following: Senate Bill(s) No(s). 2085 and 2257.

ROLL CALL

The roll call was taken with the following results:

Present 98

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

RECESS MOTION

On motion of Rep. Purcell, the House recessed until 8:00 a.m., Thursday, February 29, 1996.